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PATENT

Attorney Docket No.: 23861/3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Woll et al. EXAMINER: Not Yet Assigned
SERIAL NO.: 10/811,661 GROUP ART UNIT: 3732
FILED: March 29, 2004 CONFIRMATION NO.: 2443
FOR: *ORTHOPEDIC INTRAMEDULLARY FIXATION SYSTEM*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By: Marilyn R. Bogus November 2, 2004
Marilyn R. Bogus Date

INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X **Submitted herewith is a legible copy of (i) each *U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.**

*** Waiver**

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X **Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).**
- b. **A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:**
- c. **The following additional information is provided for the Examiner's consideration:**

FEES

IV. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)**

(check one box)

- a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. _____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. X **before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required.** In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. **THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):**

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

- b. X **See the certification below. No fee is required.**

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ please charge Deposit Account No. 50-0369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

 X No fee is required.

Application Serial No.: 10/811,661

Filed: March 29, 2004

Group Art Unit: 3732

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM
ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

- a. ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b. ☒ **Enclosed herewith is form PTO-1449.**
- c. ☐ Copies of cited references are enclosed.
- d. ☐ Copies of cited references are enclosed except those entered in prior application filed on to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- e. ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Application Serial No.: 10/811,661

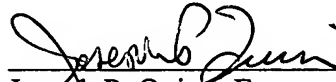
Filed: March 29, 2004

Group Art Unit: 3732

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 50-0369.

Respectfully submitted,

Dated: 4/2/04



Joseph P. Quinn, Esq.

Registration No. 45,029

Customer No. 21710

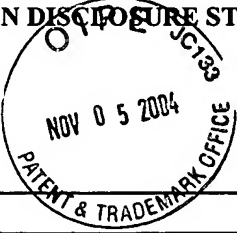
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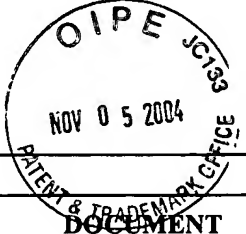
(617) 856-8396

FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTY DOCKET NO. 23861/3		SERIAL NO. 10/811,661	
				APPLICANT(S): Christian Woll et al.			
				FILING DATE: March 29, 2004		ART UNIT: 3732	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		3,760,802	09/25/1973	Fischer et al.	128	92 BC	
		3,779,239	12/18/1973	Fischer et al.	128	92 BC	
		4,091,806	05/30/1978	Aginsky	128	92 BC	
		4,227,518	10/14/1980	Aginsky	128	92 BC	
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		4,275,717	06/30/1981	Bolesky	128	92 BC	
		4,289,124	09/15/1981	Zickel	128	92 D	
		4,365,624	12/28/1982	Jaquet	128	92 A	
		4,453,539	06/12/1984	Raftopoulos et al.	128	92 BC	
		4,480,637	11/06/1984	Florek	128	94	
		4,535,763	08/20/1985	Jaquet	128	92 A	
		4,632,101	12/30/1986	Freedland	128	92 YW	
		4,640,271	02/03/1987	Lower	128	92 YF	
		4,862,883	09/05/1989	Freeland	128	92 YZ	
		4,964,403	10/23/1990	Karás et al.	606	60	
		5,002,543	03/26/1991	Bradshaw et al.	606	62	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
Examiner:				Date:			



Sheet 2 of 3

FORM PTO-1446 INFORMATION DISCLOSURE STATEMENT				ATTY DOCKET NO. 23861/3		SERIAL NO. 10/811,661	
				APPLICANT(S): Christian Woll et al.			
				FILING DATE: March 29, 2004		ART UNIT: 3732	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		5,053,035	10/01/1991	McLaren	606	67	
		5,057,103	10/15/1991	Davis	606	63	
		5,658,310	08/19/1997	Berger	606	192	
		5,810,820	09/22/1998	Santori et al.	606	63	
		5,879,352	03/09/1999	Filoso et al.	606	62	
		5,928,267	07/27/1999	Bonutti et al.	606	216	
		5,968,047	10/19/1999	Reed	606	76	
		5,976,137	11/02/1999	Mayer	606	62	
		6,146,406	11/14/2000	Shluzas et al.	606	232	
		6,261,289	07/17/2001	Levy	606	63	
		6,277,124	08/21/2001	Haag	606	105	
		6,315,779	11/13/2001	Morrison et al.	606	69	
		6,338,732	01/15/2002	Yang	606	62	
		6,387,096	05/14/2002	Hyde, Jr.	606	60	
		6,443,954	09/03/2002	Bramlet et al.	606	62	
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
Examiner:				Date:			

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UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		6,517,541	02/11/2003	Sesic	606	62	12/22/1999
		6,547,792	04/15/2003	Tsuji et al.	606	72	02/10/1999
		6,554,833	04/29/2003	Levy et al.	606	63	07/16/2001
		6,565,573	05/20/2003	Ferrante et al.	606	73	04/16/2001
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		6,575,976	06/10/2003	Grafton	606	72	06/12/2001
		6,592,587	07/15/2003	Roger	606	73	08/23/2000
		6,602,259	08/05/2003	Masini	606	87	04/27/1999
		6,607,531	08/19/2003	Frigg	606	62	05/17/2001
		6,652,528	11/25/2003	Vandewalle	606	62	07/17/2001
		6,736,818	05/18/2004	Perren et al.	606	63	05/10/2002
		6,783,530	08/31/2004	Levy	606	63	10/19/2000
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
Examiner:				Date:			